

IN RE: PETITION FOR ZONING VARIANCE
S/S Nicholson Road, 686' E of
the c/l of Riverside Road
(323 Nicholson Road)
15th Election District
5th Councilmanic District
Patricia Ann Dennis
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-521-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a lot width of 50 feet in lieu of the required 80 feet, a minimum side yard setback on the west side of 5.66 feet in lieu of the required 15 feet, and a side yard setback sum of 20.40 feet in lieu of the required 35 feet for a two-family converted dwelling as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 323 Nicholson Road, consists of .25 acres zoned D.R. 5.5, and is located within the Chesapeake Bay Critical Areas near Back River. Said property is improved with a single family dwelling and two story garage as set forth in Petitioner's Exhibit 1. Petitioner is desirous of constructing a 12' x 32' addition to the existing dwelling to provide living quarters for her parents who are elderly and whose health is deteriorating. Testimony indicated the proposed addition will allow Petitioner to watch over her parents yet allow them to remain independent. The proposed one story addition will consist of a living room, kitchen, bathroom and bedroom. Testimony indicated the requested variances will meet all Critical Areas requirements and will not result in any detriment to the health, safety or general welfare of the surrounding community.

ORDER RECEIVED FOR FILING
Date 7/25/89
By J. Robert Haines

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. The property is large enough to accommodate a two family dwelling unit. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

- 2 -

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of July, 1989 that the Petition for Zoning Variance to permit a lot width of 50 feet in lieu of the required 80 feet, a minimum side yard setback on the west side of 5.66 feet in lieu of the required 15 feet, and a side yard setback sum of 20.40 feet in lieu of the required 35 feet for a two-family converted dwelling, in accordance with

- 3 -

Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The variances granted herein are limited to the conversion of the existing single family dwelling to a two family dwelling unit only.
- 3) The subject property shall not be subdivided and no further variances shall be requested.
- 4) Compliance with all the requirements of the Zoning Plans Advisory Committee comments submitted hereto and made a part hereof.
- 5) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order, and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated June 10, 1989, attached hereto and made a part hereof.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING
Date 7/25/89
By J. Robert Haines

ORDER RECEIVED FOR FILING
Date 7/25/89
By J. Robert Haines

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: June 10, 1989

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 393
Patricia Ann Dennis Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 323 Nicholson Road in Essex. The site is within the Chesapeake Bay Critical Area and is classified as an Intense, Developed Area, (IDA).

APPLICANT PROPOSAL

The applicant has requested a Variance from Section 402 of the Baltimore County 1981 Zoning Regulations, "To permit a lot width of 50', a minimum side yard setback of 5.66' (West) and a side yard setback sum 20.40 for a two-family converted dwelling in lieu of the minimum 80', 15', and 35' respectively".

The applicant proposes a 384 square foot addition behind their single family dwelling.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a findings which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

Mr. J. Robert Haines
May 10, 1989
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." <Baltimore County Code Sec. 22-217>

Findings: At present roof top runoff is directed through downspouts and out open pipes. In order to comply with above regulation, Dutch drains or seepage pits shall be installed on all downspouts (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." <Baltimore County Code Sec. 22-98>

Findings: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

CONCLUSION

The Zoning Variance shall be conditioned so that the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project shall be approved.

Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman R. Lauenstein
The Honorable Dale T. Voiz

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

July 25, 1989

Ms. Patricia A. Dennis
323 Nicholson Road
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
S/S Nicholson Road, 686' E of the c/l of Riverside Road
(323 Nicholson Road)
15th Election District - 5th Councilmanic District
Patricia Ann Dennis - Petitioner
Case No. 89-521-A

Dear Ms. Dennis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Chesapeake Bay Critical Areas Commission
Tawes State Office Building, D-4
Annapolis, Md. 21404

DEPRM

People's Counsel

File



Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE #393
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-521-A CRITICAL AREA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 402 of the Baltimore County Zoning Regulations, "To permit a lot width of 50', a minimum side yard setback of 5.66' (West) and a side yard setback sum 20.40 for a two-family converted dwelling in lieu of the minimum 80', 15', and 35' respectively" of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See Attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I, we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Patricia Ann Dennis
Signature	(Type or Print Name)
Address	Signature
City and State	(Type or Print Name)
Attorney for Petitioner:	Signature
(Type or Print Name)	323 Nicholson Road
Signature	Baltimore, Maryland 21221
Address	(301) 687-2548
City and State	Address
Attorney's Telephone No.:	City and State
	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
	Patricia Ann Dennis
	Name
	323 Nicholson Road
	Baltimore, Maryland 21221
	(301) 687-2548
	Address
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of July, 1989.

That the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106 County Office Building in Towson, Baltimore County, on the 2nd day of August, 1989, at 9:00 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

ORDER RECEIVED FOR FILING
Date 7/25/89
By J. Robert Haines

CRITICAL AREA

Reasons for Variance

1. The addition is planned to accommodate owner's elderly parents and would create undue hardship now and in the future if owner were prohibited from using the addition as a second family dwelling. If the addition was built without the variance, in future years it would become a white elephant if the owner were not allowed to rent it out. If owner decided to someday sell the property future owners would find the addition undesirable if prohibited from also renting out.

2. The prohibited use of said property as a two family dwelling is unfair. In that, there are several two family dwellings on Nicholson Road. Two of these properties are located directly across from this property at 322 and 324 Nicholson Road.

3. Finding housing for the elderly living on Social Security is next to impossible. Housing such as the Norman Lauenstein Building has a waiting list of approximately three years. The deteriorating health of property owner's parents makes finding suitable housing imminent. Owner would like to keep them as independent as possible yet still be close enough to watch over them.

6/1/89

Mrs. Mrs. Don Lambert
This is to inform
you that as of
July 1, 1989 your rent
will be \$325.00 per month

Deirdre Cottle

Petitioner's
EXHIBIT A

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, Md. 21221

May 25, 1989

THIS IS TO CERTIFY, that the annexed advertisement of

Patricia Ann Dennis in the matter of Petition for Zoning Variance S/S of Nicholson Road, 686' E of C/I Case # 89-521-A, Reg # M30910, P.O.# 12580 84 Lines @ .35 or \$46.20

was inserted in The Avenue News a weekly newspaper

published in Baltimore County, Maryland once a week for one

successive week(s) before the 26th day of May 1989.

That is to say, the same was inserted in the issues of May 25/19 89.

The Avenue Inc.

per publisher

By *Deirdre Cottle*

Notice of Hearing
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on the following:
Case Number: 89-521-A
S/S of Nicholson Road, 686' E of C/I
15th Election District - 5th Councilmanic
Petitioner(s): Patricia Ann Dennis
HEARING SCHEDULED: THURSDAY, JUNE 22, 1989 at 9:30 a.m.
Variances: To permit a lot width of 50 ft., a minimum side yard setback of 5.66 ft. (West) and a side yard setback of 20.40 ft. for a two-family converted dwelling in lieu of the minimum 80 ft., 15 ft., and 35 ft. respectively.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

ZONING DESCRIPTION

CRITICAL AREA

Beginning for the same thereof in the center of Nicholson Road laid out 50 feet wide and to be forever kept open for public use at a distance of north 64 degrees west 1450 feet from the intersection of the center line of Nicholson Road and the northwest side of Mace Avenue and running thence along the center line of Nicholson Road north 64 degrees west 50 feet thence south 26 degrees west parallel with Mace Avenue 225 feet thence south 64 degrees east parallel with Nicholson Road 50 feet and thence north 26 degrees east 225 feet to the place of beginning. Being known and designated as Lot No. 34 in Section "E" of Back River Highland, which lot is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 4, Folio 64. The improvements thereon being known as No. 323 North Nicholson Road.

#393

CRITICAL AREA

Beginning of the south side of Nicholson Road (50 feet wide) at the distance of 686 feet east of the centerline of Riverside Road, Lot 34, Block E, Book 4, Folio 64-65. Also known as 323 Nicholson Road containing .25 acres in the 15th Election District.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

May 15, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-521-A
S/S of Nicholson Road, 686' E of C/I Riverside Road
323 Nicholson Road
15th Election District - 5th Councilmanic
Petitioner(s): Patricia Ann Dennis
HEARING SCHEDULED: THURSDAY, JUNE 22, 1989 at 9:30 a.m.

Variances: To permit a lot width of 50 ft., a minimum side yard setback of 5.66 ft. (West) and a side yard setback of 20.40 ft. for a two-family converted dwelling in lieu of the minimum 80 ft., 15 ft., and 35 ft. respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Patricia Ann Dennis
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 6/9/89



Dennis F. Rasmussen
County Executive

Re: Petition for Zoning Variance
CASE NUMBER: 89-521-A
S/S of Nicholson Road, 686' E of C/I Riverside Road
323 Nicholson Road
15th Election District - 5th Councilmanic
Petitioner(s): Patricia Ann Dennis
HEARING SCHEDULED: THURSDAY, JUNE 22, 1989 at 9:30 a.m.

Dear Ms. Dennis:

Please be advised that \$102.57 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 106, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 030170

1 post set(s), there each set not

DATE: 6/22/89 ACCOUNT: P.O. # 615 100

AMOUNT: \$ 102.57

RECEIVED: Patricia Ann Dennis

FOR: Patricia Ann Dennis 89-521-A

6 BAL*****102170 030170

VALIDATION OR SIGNATURE OF CASHIER

DATE: 6/22/89 TIME: 10:00 AM

DEPT: COURIER FEE: AGENCY YELLOW: 030170

JOSEPH MICELI, M.D.
108 S. TAYLOR AVE.
BALTIMORE, MD. 21221

May 30, 1989

To Whom It May Concern:

RE: Donald Lambert

Mr. Donald Lambert has frequent drop episodes, has developed marked generalized muscular weakness and requires constant observation and care.

In order to provide such care, his daughter will need to build an addition to her home to house her parents.

Joseph Miceli
Joseph Miceli, M.D.

Petitioner's
EXHIBIT C

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

79-521-A

District: 15th
Posted for: Patricia Ann Dennis
Petitioner: Patricia Ann Dennis, 686' E of Riverside Rd.
Location of property: 323 Nicholson Rd.
Location of Sign: 323 Nicholson Rd.
Remarks: Patricia Ann Dennis
Posted by: Patricia Ann Dennis
Date of return: 6/9/89
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 25, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 25, 1989.

THE JEFFERSONIAN,

S. Zabe Orlean
Publisher

PO 12581
reg M30911
89-521-A
price \$ 41.37

Weekly Expense List

Food and Household Necessaries	\$150.00
Rent	\$75.00
Gas and Electric	\$ 6.00
Telephone	\$ 7.00
Health Insurance	\$ 5.50
Medicare	\$14.75
Newspaper	\$ 1.50
Total Weekly Expenses	\$159.75
Weekly Income from Social Security	\$181.86
Minus Total Weekly Expenses	\$159.75
Total Income Remaining for Miscellaneous Expenses	\$21.85
Miscellaneous expenses include clothing, haircuts, recreation and prescriptions and doctor bills not covered by insurances.	

Petitioner's
EXHIBIT D

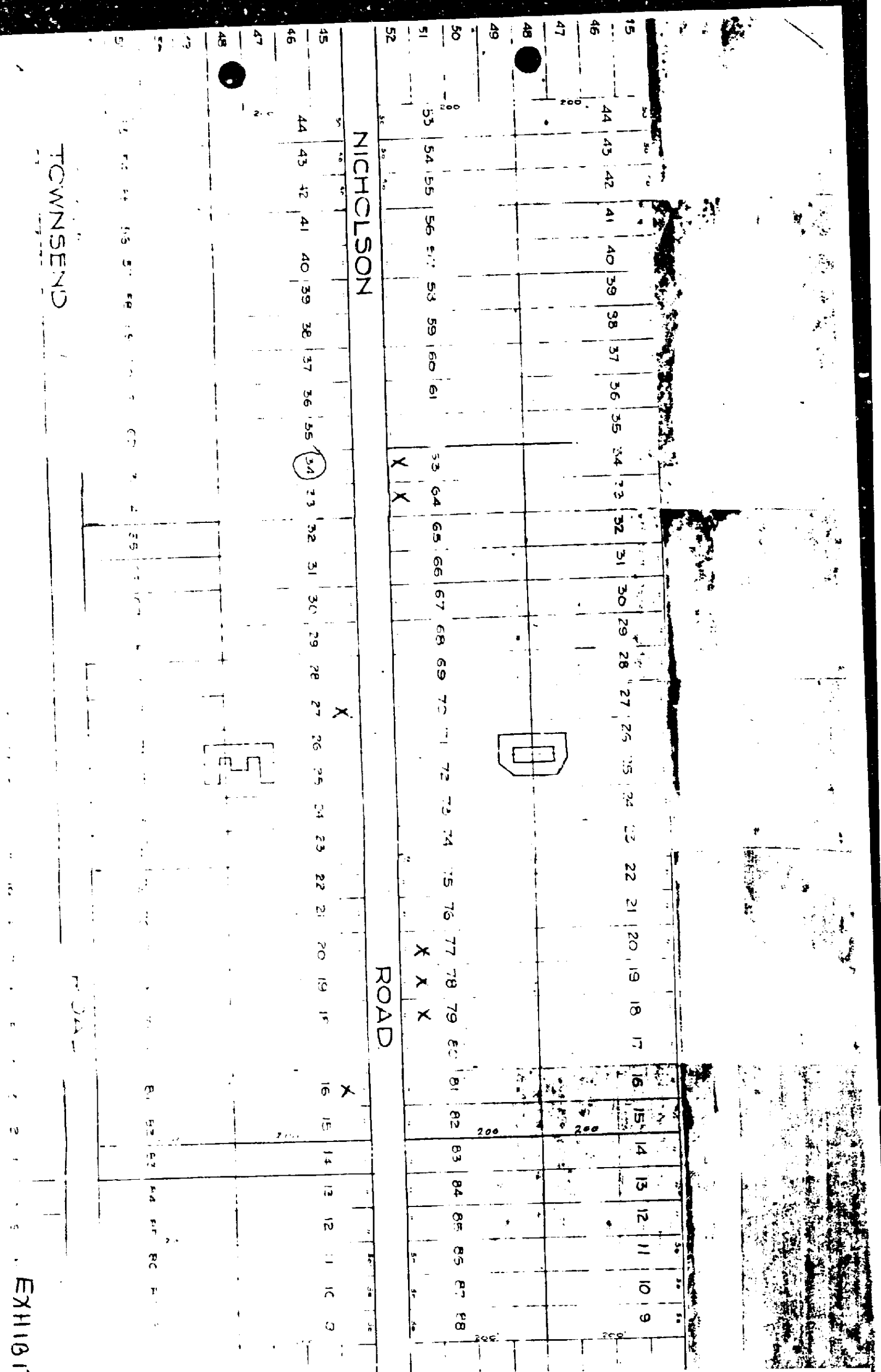
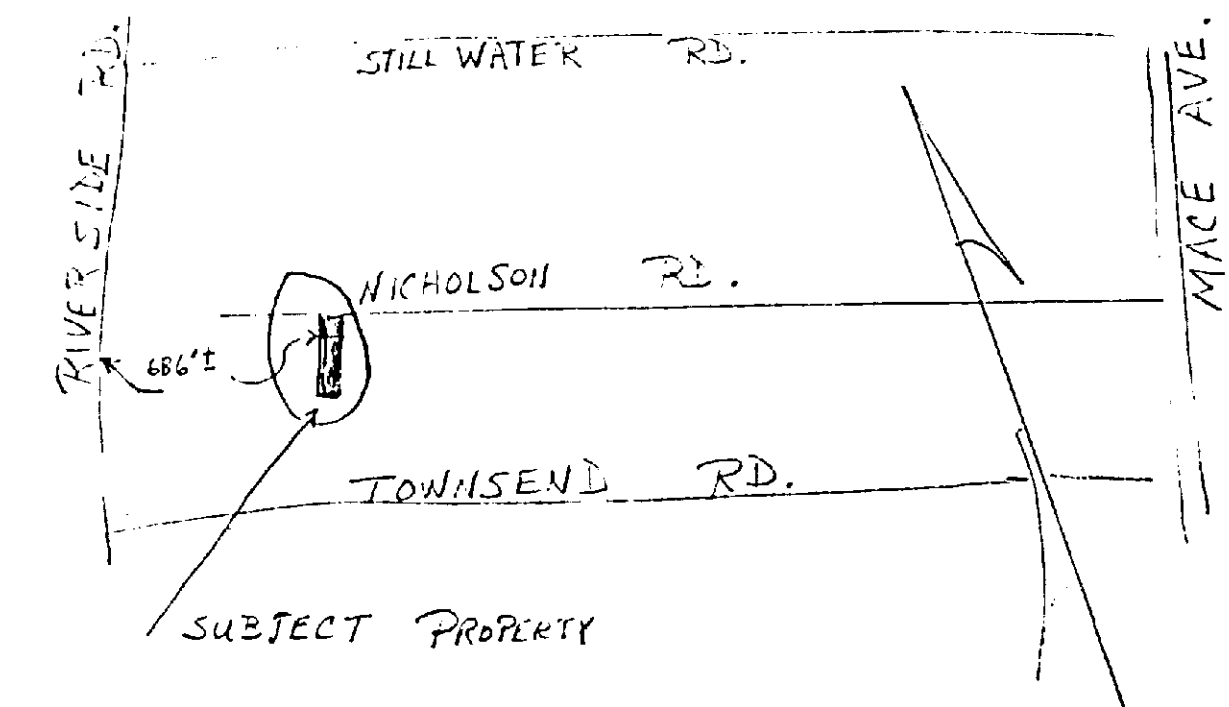
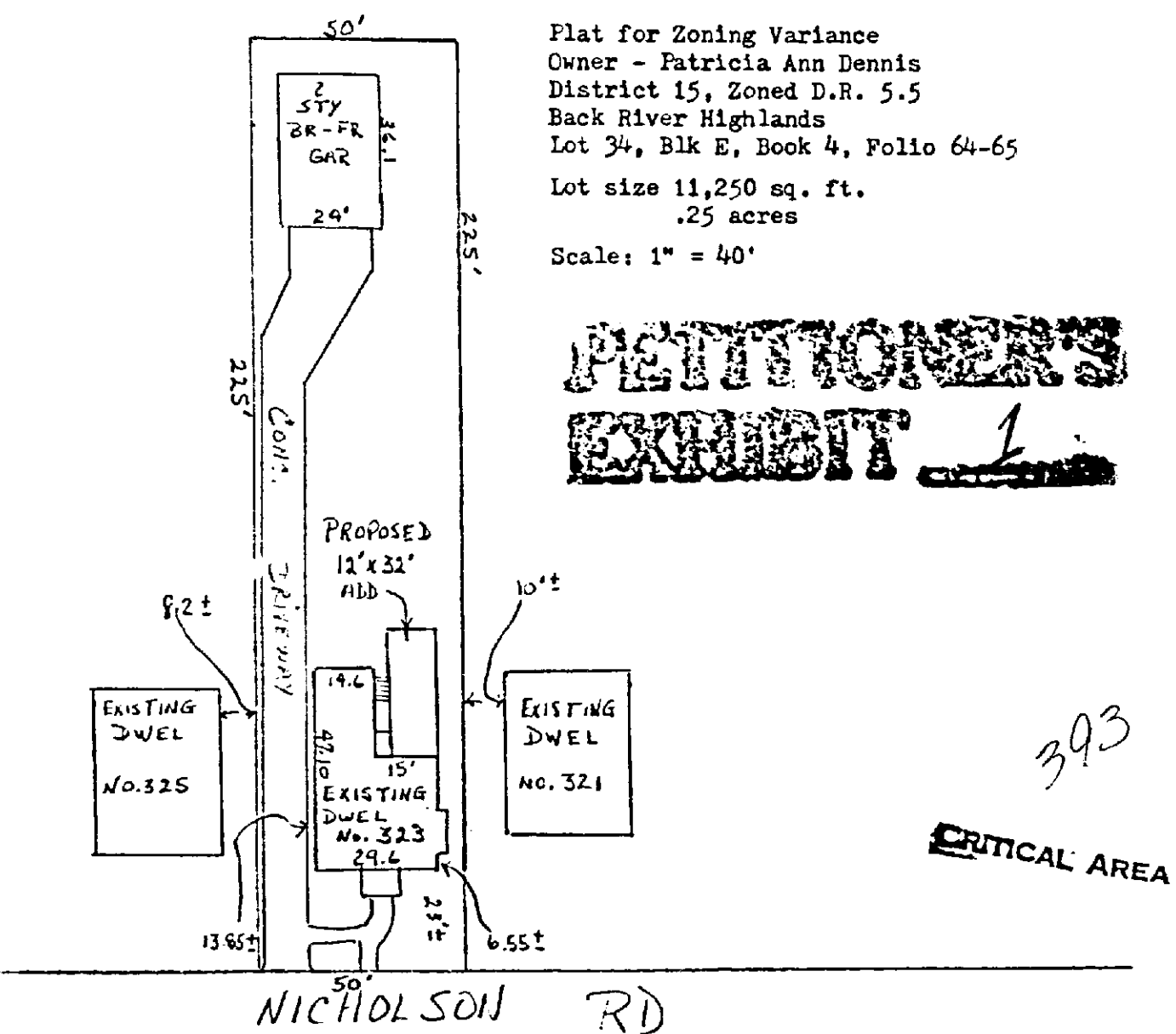


EXHIBIT D



VICINITY MAP

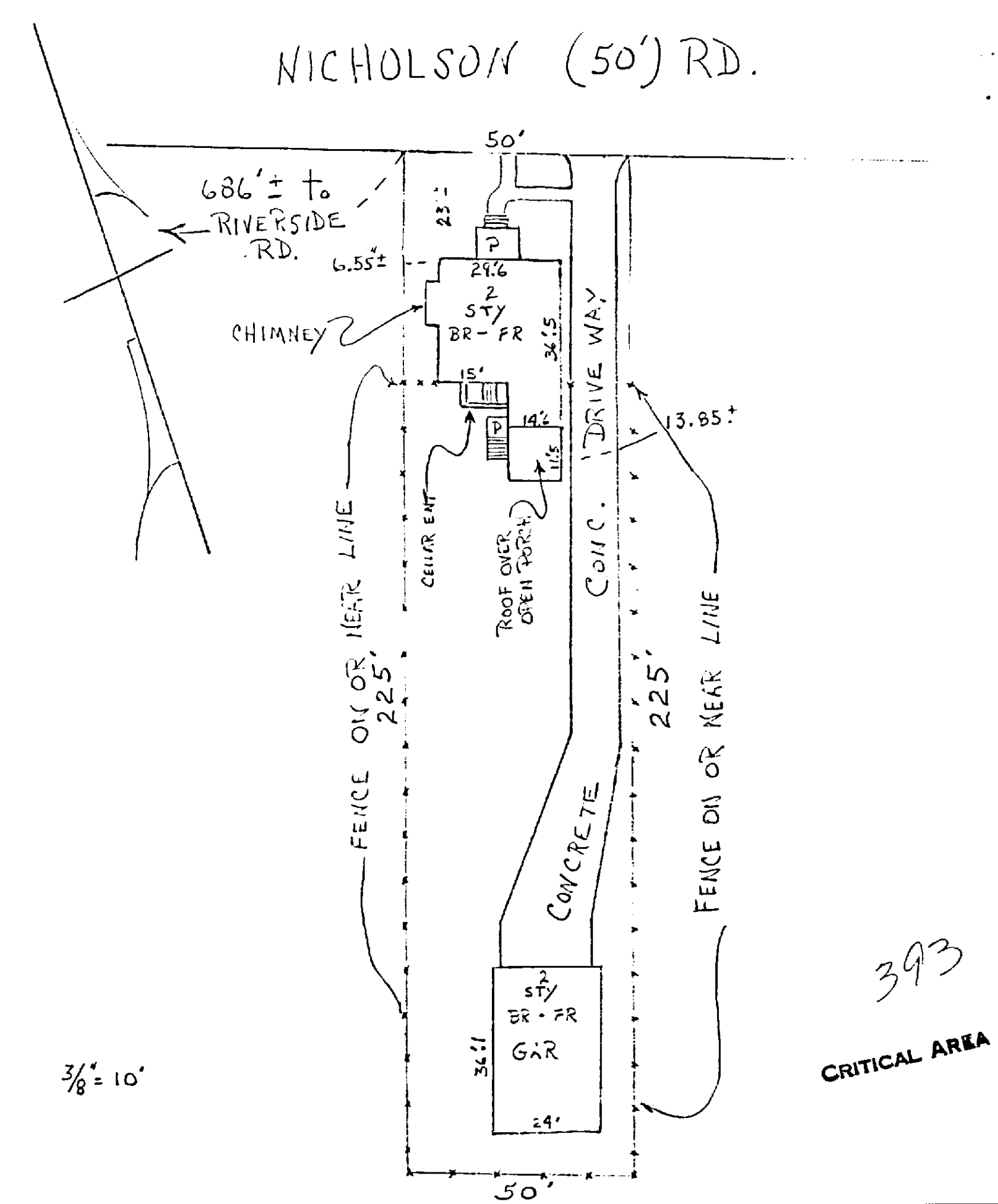


PETITIONER'S EXHIBIT 1

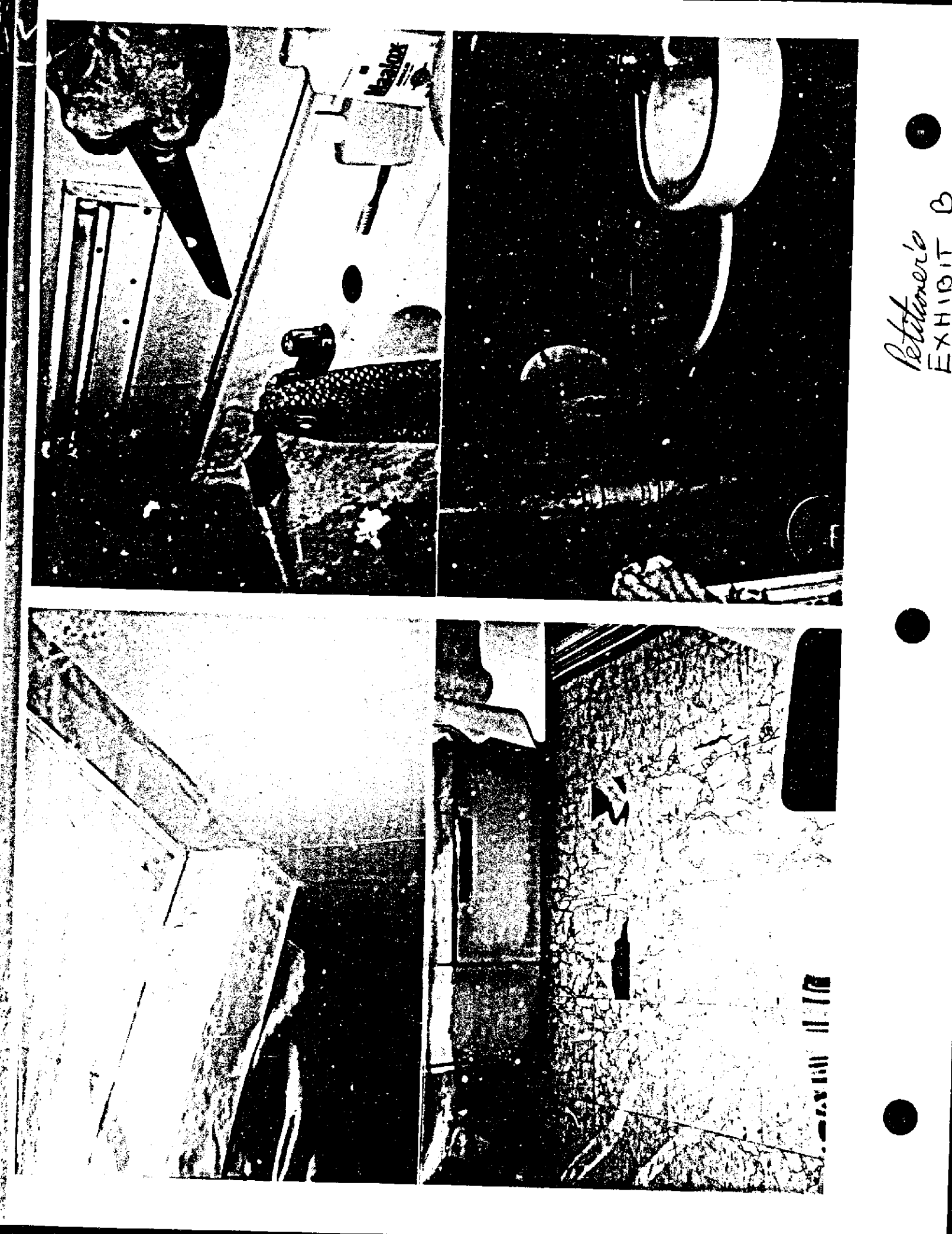
I/We are aware of the petition for variance filed by Patricia A. Dennis for property at 323 Nicholson Road to permit a lot width of 50ft., a minimum side yard setback of 5.66 ft (west) and a side yard setback sum 20.40 for a two-family covered dwelling in lieu of the minimum 80 ft., 15 ft., and 35 ft. respectively. I/We also agree that the granting of this variance will in no way disrupt and/or hinder the public health, safety and general welfare of our neighborhood.

Mr. Rose M. Barker 312 Nicholson Rd.
Mr. John H. Dwyer 324 Nicholson Rd.
Edith Conway 324 Nicholson Rd.
Bernard F. May 327 Nicholson Rd.
Ida M. Dwyer 327 Nicholson Rd.
John L. Barker 317 Nicholson Rd. 21221
Bernard A. Conway 321 Nicholson Rd. 21221

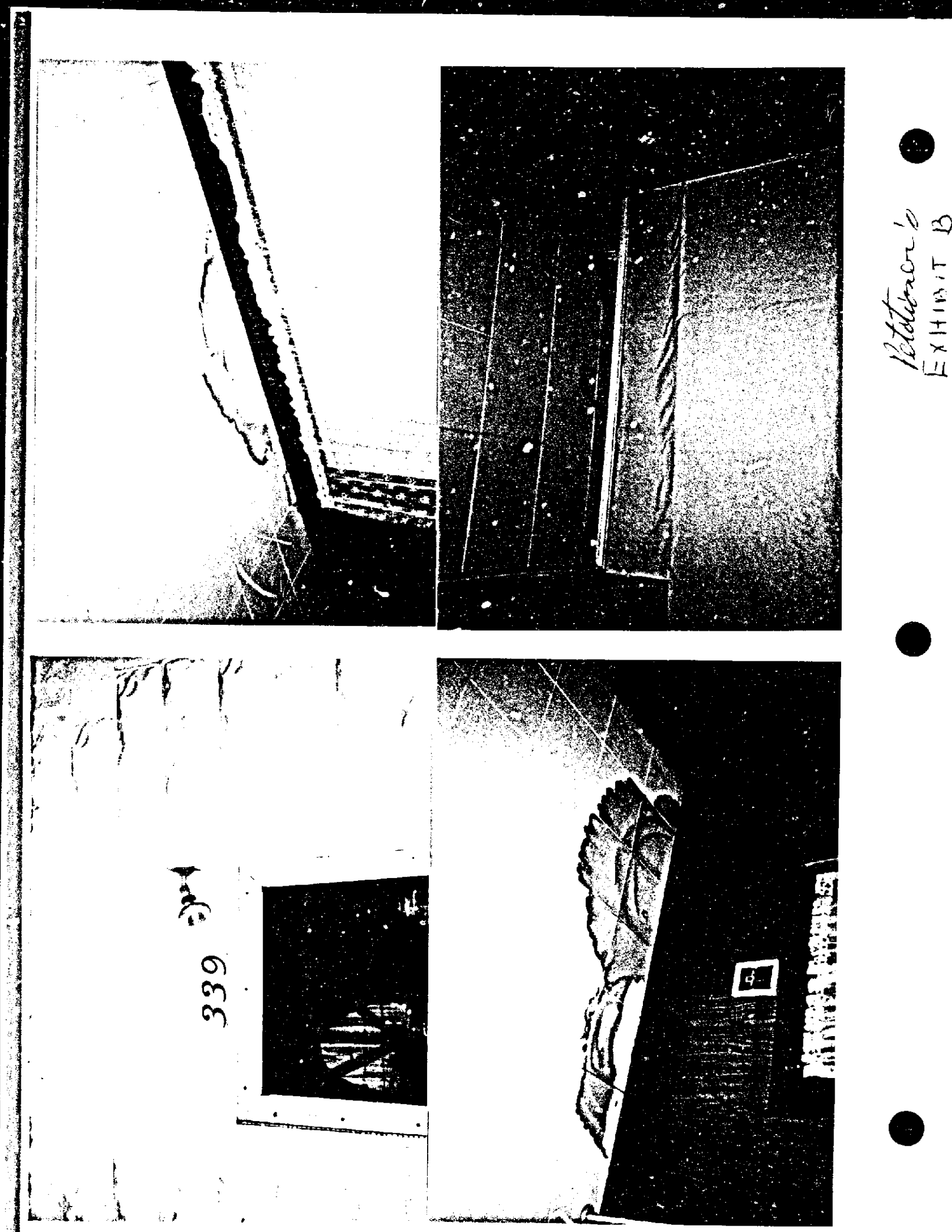
EXHIBIT C



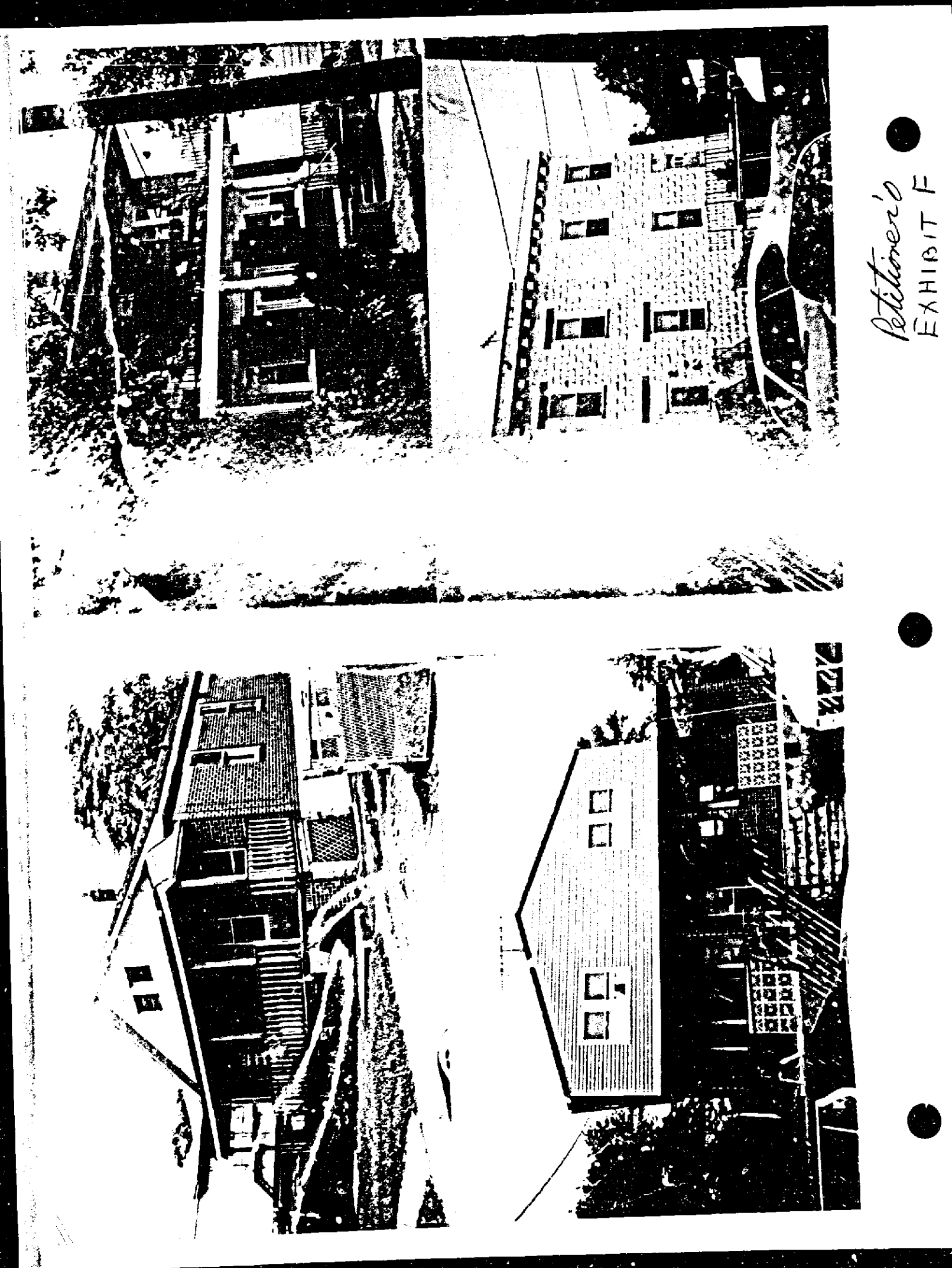
393
CRITICAL AREA



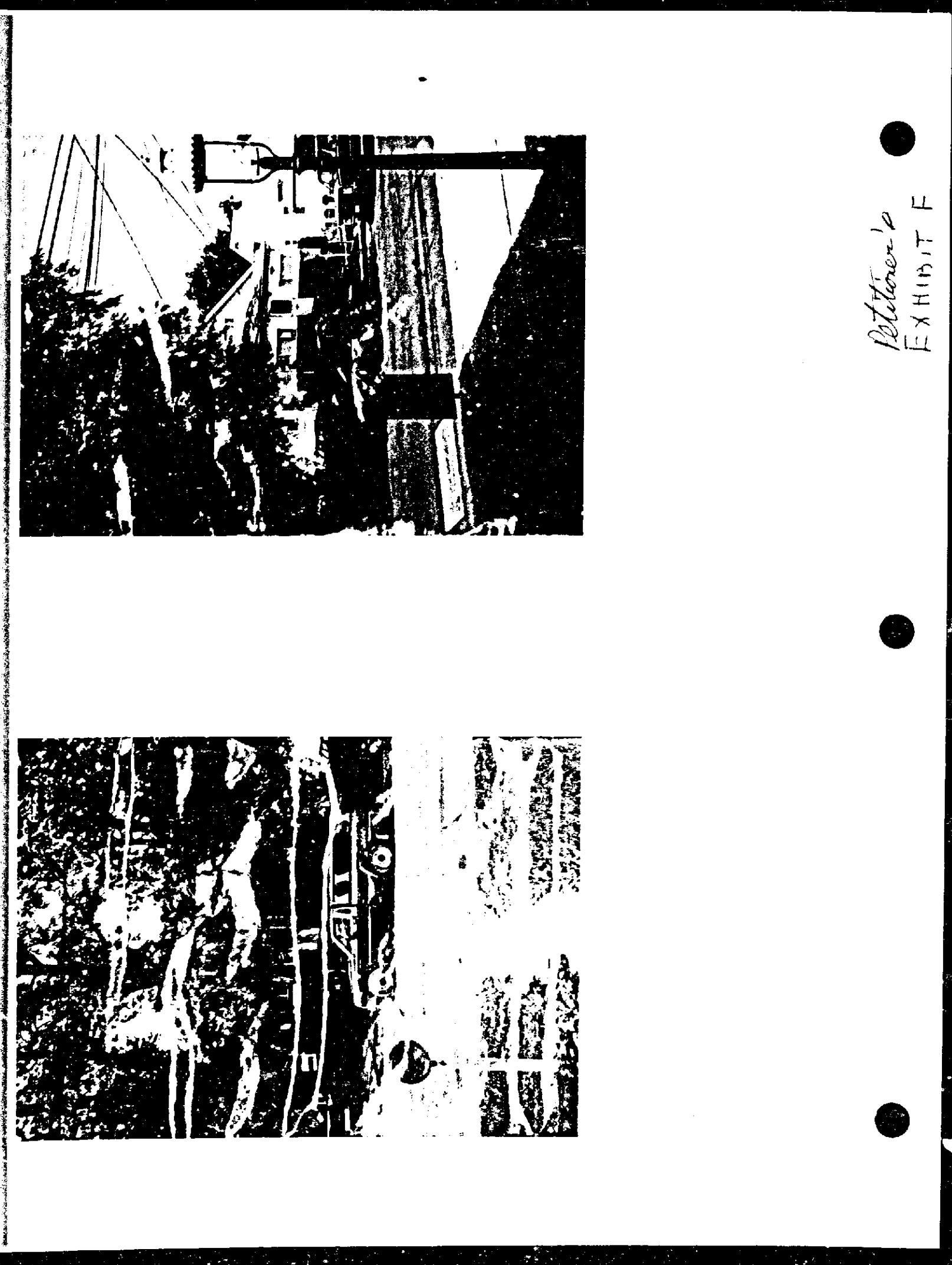
Petitioner's EXHIBIT B



Petitioner's EXHIBIT B



Petitioner's EXHIBIT F



Petitioner's EXHIBIT F

89-521-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
5th day of April, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Patricia Ann Dennis
Petitioner's Attorney: _____
Received by: Thomas E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 7, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

050

Patricia Ann Dennis
323 Nicholson Road
Baltimore, MD 21221

RE: Itm. No. 393, Case No. 89-521-A
Petitioner: Patricia Ann Dennis
Petition for Zoning Variance

Dear Ms. Dennis:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

April 25, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 274, 359, 383, 384, 389, 393, 394, 395, 396, 397, and 398.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSP/lw

RECEIVED
APR 28 1989
ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Patricia Ann Dennis
Location: S/S of Nicholson Road, 686' E. of centerline of Riverside Road
Item No.: 393 Zoning Agenda: April 4, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John J. Kelly* 3-31-89 Noted and Approved: *Paul H. Reincke*
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 17, 1989
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for April 4, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 274, 359, 383, 389, 392, 393, 394, 395, 396, and 398. Comments are attached for Items 384 and 397.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s
Encls.

RECEIVED
JUN 22 1989
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
FROM: Mr. Robert W. Sheesley
SUBJECT: Petition for Zoning Variance - Item 393
Patricia Ann Dennis Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 323 Nicholson Road in "8806". The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area, (IDA).

APPLICANT PROPOSAL

The applicant has requested a Variance from Section 402 of the Baltimore County 1981 Zoning Regulations, "To permit a lot width of 50', a minimum side yard setback of 5.66' (West) and a side yard setback sum 20.40 for a two-family converted dwelling in lieu of the minimum 80', 15', and 35' respectively".

The applicant proposes a 384 square foot addition behind their single family dwelling.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a findings which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

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REGULATIONS AND FINDINGS

1. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." <Baltimore County Code Sec. 22-217>

Finding: At present roof top runoff is directed through downspouts and out open pipes. In order to comply with above regulation, Dutch drains or seepage pits shall be installed on all downspouts (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." <Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

CONCLUSION

The Zoning Variance shall be conditioned so that the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project shall be approved.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman R. Lauenstein
The Honorable Dale T. Volz

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-521-A
Item No. 393

Re: Patricia Ann Dennis

The Petitioner requests a variance to permit a lot width of 50 feet in lieu of the required 80 feet, a minimum side yard setback of 5.66 feet and a sum of the side yards of 20.40 feet in lieu of the required 15 feet and 35 feet, respectively. In reference to this request, staff offers no comment.

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